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From: Heidi Reese Date: September 27, 2006  
Direct Dial: (212) 895-2424 Client/Matter #: 6319-1815

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Mr. Brian Kwon, PATENT EXAMINER	United States Patent & Trademark Office	571-272-0581	571-273-8300

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**Message:**

We resubmit a copy of the Replacement Terminal Disclaimer originally mailed on 8/4/06 regarding:

Serial No.: 10/727,658  
Filed: December 5, 2003  
Title: Combinations of Potassium Channel Openers and Sodium Channel Inhibitors or Sodium Channel -Influencing Active Compounds for Treating Pains  
Applicant: Szelenyi et al.  
Art Unit: 1614  
Docket: 6319-1815

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**BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP**

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RE-SENT SEPT 26, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Szelenyi et al.

Examiner: Brian Kwon

Serial No.: 10/727,658

Art Unit: 1614

Filed: December 5, 2003

Docket: 6319-1815 (formerly 034082-001)

Title: Combinations of Potassium Channel Openers and Sodium Channel Inhibitors or Sodium Channel -Influencing Active Compounds for Treating Pains

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450REPLACEMENT TERMINAL DISCLAIMERTRANSMITTAL

Sir:

As requested by the Examiner in a telephone call to the undersigned on July 24, 2006, enclosed herewith is a terminal disclaimer that replaces the terminal disclaimer which was filed April 3, 2006, in a response to the Office Action dated November 2, 2005. Applicants respectfully request that the enclosed terminal disclaimer be made of record in this application.

If additional fees are due, Applicants authorize the Commissioner to deduct said fees from deposit account number 02-4270.

**Certificate of Mailing:** I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First-Class Mail addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 4, 2006.

8/4/06  
DateKimberly Jones  
Printed Name

Respectfully submitted,

Dated: 4 Aug 2006

Heidi Reese

Heidi Reese  
Reg. No. 57,841  
BROWN RAYSMAN MILLSTEIN FELDER  
& STEINER LLP  
900 Third Avenue  
New York, New York 10022  
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PTO/SB/25 (10-05)

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**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**Docket Number (Optional)  
6319-1815

In re Application of: SZELENYI et al.

Application No.: 10/727,658

Filed: December 5, 2003

For: VALEANT PHARMACEUTICALS INTERNATIONAL

The owner\*, VALEANT PHARMACEUTICALS INTERNATIONAL, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/727,658, filed on December 5, 2003, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application." In the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 57,841



Signature

4 AUGUST 2006

Date

Heidi Reese

Typed or printed name

212-895-2424

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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